

## BOARD FOR BRANCH PILOTS FORMAL HEARING MINUTES

Pursuant to §§ 2.2-4019, 2.2-4020 and 54.1-905 of the *Code of Virginia*, the Virginia Board for Branch Pilots met for a formal hearing on Monday, June 14, 2010, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain Robert H. Callis, III  
Bruce R. Cherry  
Captain Milton B. Edmunds  
Thomas P. Host, III  
William M. Martin, III (arrived 10:48 a.m.)  
Captain John A. Morgan, Jr.  
Meade G. Stone, Jr.

Captain J. William Cofer was not present at the proceedings.

Staff present for the meeting were:

Gordon N. Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
Kathleen (Kate) R. Nosbisch, Executive Director

Cynthia H. Norwood, counsel to the Board, was present from the Office of the Attorney General; and Robert W. McFarland, Esq., was present as counsel for Walter Hugh McCrory.

Mr. Cherry, President, reconvened the meeting at 10:33 a.m.

### **Call to Order**

Captain Callis moved to approve the agenda. Mr. Host seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Host, Martin, Morgan, and Stone.

### **Approval of Agenda**

Ms. Nosbisch introduced Gordon N. Dixon, the recently appointed Director of DPOR.

### **Introduction of DPOR Director – Gordon Dixon**

The matter before the Board was file number 2010-04022, the application of Walter Hugh McCrory, seeking the issuance of a Branch Pilot license. Mr. McCrory voluntarily surrendered his previous license on July 28, 2008, following a positive random drug test which indicated the presence of cocaine metabolics.

### **Continued Deliberation of File Number 2010- 04022, Walter Hugh McCrory**

At 10:35 p.m., Mr. Stone moved that the deliberation be recessed and that the Board for Branch Pilots immediately reconvene in a closed session under the *Virginia Freedom of Information Act* for purpose of consultation with legal counsel and/or briefings from staff, a matter lawfully exempted

### **Closed Session – Deliberation for File Number 2010- 04022, Walter**

from open meeting requirements under the “consultation with legal counsel” exemption contained in §2.2-3711.A.15 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Kathleen (Kate) R. Nosbisch, Mark N. Courtney and Cynthia H. Norwood. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Host, Morgan and Stone.

**Hugh McCrory, Jr.**

Mr. Dixon recused himself from the deliberation.

Mr. McFarland requested that continued deliberation not begin until Mr. Martin arrived since he was part of the initial deliberation. Mr. Cherry recessed the Board awaiting the arrival of Mr. Martin. Mr. Martin arrived at 10:48 a.m.

**Recess**

The recess was concluded at 10:49 a.m. and the Board for Branch Pilots immediately reconvened in a closed session under the *Virginia Freedom of Information Act* for purpose of consultation with legal counsel and/or briefings from staff, a matter lawfully exempted from open meeting requirements under the “consultation with legal counsel” exemption contained in §2.2-3711.A.15 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Kathleen (Kate) R. Nosbisch, Mark N. Courtney and Cynthia H. Norwood

**Closed Session –  
Deliberation for  
File Number 2010-  
04022, Walter  
Hugh McCrory, Jr.**

The Board recessed from 12:45 p.m. until 1:30 p.m.

**Recess**

The Board recessed from 3:04 p.m. until 3:17 p.m.

**Recess**

The Board recessed from 3:40 p.m. until 3:50 p.m.

**Recess**

### **CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Board for Branch Pilots has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, §2.2-3712 of the *Code of Virginia* requires a certification by the Board that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Board certifies that, to the best of each member’s knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification applies, and (II) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board.

**VOTE:** 7-0  
**AYES:** Callis, Cherry, Edmunds, Host, Martin, Morgan and Stone.  
**NAYS:** 0  
**ABSENT FROM MEETING:** 1 – Cofer

At 3:58 p.m., the closed session was adjourned and the Board immediately reconvened in open session.

**Open Meeting**

Mr. Stone read the Final Order as follows:

**Order**

“Wherefore, on the basis of the foregoing Findings of Fact and Conclusions of Law, the Board hereby finds and deems that Walter Hugh McCrory, Jr. is not qualified for licensure as a Branch Pilot in the Commonwealth of Virginia. It is hereby ordered that his application be and is hereby denied.”

Mr. Martin seconded the motion. A roll call vote was taken with the Board members voting as follows:

**VOTE:** 7-0  
**AYES:** Callis, Cherry, Edmunds, Host, Martin, Morgan and Stone.  
**NAYS:** 0  
**ABSENT FROM MEETING:** 1 – Cofer

Ms. Nosbisch served a copy of the final order to Mr. McCrory and Mr. McFarland.

Mr. Martin moved to adjourn the meeting at 4:02 p.m. Captain Morgan seconded the motion which was unanimously approved by Messrs. and Captains: Callis, Cherry, Edmunds, Host, Martin, Morgan and Stone.

**Adjourn**

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Bruce R. Cherry, President

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Gordon N. Dixon, Secretary